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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CKET NO. CONFIRMATION NO.	
10/574,172	10/25/2006	Rainer Uecker	2003P13562WOUS	13562WOUS 4104	
22116 SIEMENS COR	7590 10/28/200 RPORATION	8	EXAMINER		
INTELLECTUA	AL PROPERTY DEPA	FAN, HUA			
ISELIN, NJ 088	WOOD AVENUE SOUTH LIN, NJ 08830 ART UNIT PAR		PAPER NUMBER		
,			2456		
			MAIL DATE	DELIVERY MODE	
			10/28/2008	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)	
10/574,172	UECKER, RAINER	
Examiner	Art Unit	
HUA FAN	2456	

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1. ☑ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandomment of this application, applicant must itemly file one of the following replies: (1) an amondment, affidiaty, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 4.1.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods: □ The period for reply expires	Th	e MAILING DATE of this communication ap	ppears on the	e cover sheet with the d	orrespondence add	ress
1. ☑ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandomment of this application, applicant must timely file one of the following replies: (1) an amendment, affidaty, or other evidency, their packs the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 4.1.31: or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods: a) ☐ The period for reply expires	THE REPLY F	ILED 16 October 2008 FAILS TO PLACE THI	IIS APPLICAT	ION IN CONDITION FOR	R ALLOWANCE.	
a) ☐ The period for reply expiresmonths from the mailing date of the final rejection. b) ☐ The period for reply expires on: (1) the mailing date of the Advisory Action or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. Examer Note: If box is checked, chock either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL RELECTION. See MFEP 706.07(f). Extensions of time may be obtained under 37 CFR 1.13(a). The date on which the petition under 37 CFR 1.13(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any amend patent term adjustment. See 37 CFR 1.704(b). NOTICE OF APPEAL 2. ☐ The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal was filed any reply must be filed within the time period set forth in 37 CFR 41.37(a). The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) MENDMENTS 3. ☐ The proposed amendment (s) a final rejection, but prior to the date of filing the issues for appeal;	 The reply application application for Continum 	was filed after a final rejection, but prior to or on, applicant must timely file one of the followion in condition for allowance; (2) a Notice of A	r on the same ving replies: (1 Appeal (with a	day as filing a Notice of A an amendment, affidavitopeal fee) in compliance v	Appeal. To avoid abar ., or other evidence, w with 37 CFR 41.31; or	hich places the (3) a Request
have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appriopriate extension fee under 37 CFR 1.7(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action, or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). NOTICE OF APPEAL 2. The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a). AMENDMENTS 3. The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) They raise new issues that would require further consideration and/or search (see NOTE below); (b) They raise the issue of new matter (see NOTE below); (c) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) They present additional claims without canceling a corresponding number of finally rejected claims. NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)). 1. The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324). Applicant's reply has overcome the following rejection(s):	a) The b) The no every Exam	period for reply expires on: (1) the mailing date of the vent, however, will the statutory period for reply expininer Note: If box 1 is checked, check either box (a)	nis Advisory Act bire later than SI) or (b). ONLY C	on, or (2) the date set forth i X MONTHS from the mailing	g date of the final rejection	n.
 2. ☐ The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37(a)), to avoid dismissal of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(a)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a). AMENDMENTS 3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below); (b) ☐ They raise the issue of new matter (see NOTE below); (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims. NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)). 4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324). 5. ☐ Applicant's reply has overcome the following rejection(s):	have been filed i under 37 CFR 1 set forth in (b) at may reduce any	is the date for purposes of determining the period of .17(a) is calculated from: (1) the expiration date of the bove, if checked. Any reply received by the Office la earned patent term adjustment. See 37 CFR 1.704	of extension and the shortened st later than three	the corresponding amount of atutory period for reply origin	of the fee. The appropria nally set in the final Offic	ate extension fee e action; or (2) as
(a)	2. The Noti filing the Notice of	ce of Appeal was filed on A brief in co Notice of Appeal (37 CFR 41.37(a)), or any ex f Appeal has been filed, any reply must be filed	extension there	eof (37 CFR 41.37(e)), to	avoid dismissal of the	
NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)). 4.	3. The pro (a) Th (b) Th (c) Th	posed amendment(s) filed after a final rejection posed amendment(s) filed after a final rejection pey raise new issues that would require further ney raise the issue of new matter (see NOTE bey are not deemed to place the application in opeal; and/or	r consideratior below); better form fo	and/or search (see NOT	E below); lucing or simplifying th	
non-allowable claim(s). 7. For purposes of appeal, the proposed amendment(s): a) \(\text{ will not be entered, or b)} \) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: Claim(s) objected to: Claim(s) rejected: 16.21 and 23-30. Claim(s) withdrawn from consideration: AFFIDAVIT OR OTHER EVIDENCE 8. \(\text{ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e). 9. \(\text{ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1). 10. \(\text{ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.} REQUEST FOR RECONSIDERATION/OTHER 11. \(\text{ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet. 12. \(\text{ Note the attached Information Disclosure Statement(s).} \((\text{PTO/SB/08}) \text{ Paper No(s).} \) \(\text{ H. F./} \)	N 4. The ame 5. Applical	OTE: <u>See Continuation Sheet</u> . (See 37 CFR endments are not in compliance with 37 CFR ont's reply has overcome the following rejection	1.116 and 41 1.121. See at n(s):	.33(a)). cached Notice of Non-Cor	mpliant Amendment (I	,
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Continuation of 3. NOTE: The amended claim 16 and 28 recites "sending test message...to a second mail processing device assigned to a recipient address data terminal" where "assigned to a recipient address data terminal" is newly added to this limitation which raises a new issue to be further considered, therefore is denied entry. However, the amended part of deleting the limitation of "or in a second mail processing device assigned to a recipient address data terminal" in order to overcome 112(1) rejection will be entered upon further qualified filing(s) such as RCE.

Continuation of 11. does NOT place the application in condition for allowance because:

- 1) applicant's argument on page 7 with respect to claim 16 regarding the limitation of "assigned to a recipient address data terminal" is newly added limitation to the "sending a test message..." limitation, which raises a new issue and is denied entry, therefore the argument is moot.
- 2) applicant's argument on page 7 with respect to claim 16 regarding the motivation of combination is not persuasive because the motivation of combining the references does not have to be the same as used by the application. See MPEP 2144 section IV, "Rationale different from applicant's is permissible", "It is not necessary that the prior art suggest the combination to achieve the same advantage or result discovered by applicant".
- 3) applicant's arguments on page 8 with respect to claims 23 and 28 refers back to the argument for claim 16 which has already been addressed above.